



August 6, 2009

William Shane
Surface Water Permits Branch
Division of Water
200 Fair Oaks Lane
Frankfort, KY 40601



Re: KPDES No.: KY0003492
DNR No.: 848-9023, AM 2
New Ridge Mining Company
AI ID: 1718
Harlan County, Kentucky

Dear Mr. Shane:

Since the renewal application is currently pending for this permit, the applicant will let the renewal address the expansion. The modification submitted for the amendment can be withdrawn. The proposed expansion converts the Left Fork slurry impoundment to a combined refuse fill, then increases the elevation of the top of the fill. The expansion does not add any new discharge points nor does it increase the flow from the existing KPDES outlet at Sediment Lake 1.

In addition, a minor revision is currently pending in DNR for this same permit. That revision proposes to make changes in the ditch designs and other minor design changes to the fill. These proposals will have no effect on the KPDES outlet as the permit application currently addresses it. It adds no new discharges and does not increase the discharge from the current KPDES outlet. Please consider this letter notification that the application does not require submittal of an NOI.

The referenced KPDES permit covers DNR permits 848-9023 (formerly 848-9004), 848-9024 (formerly 848-9005), and 848-5434. The KPDESDNR Permit Cross Reference List spreadsheet shows that 848-9004 is covered by KPDES permit KY0003493, which is obviously wrong. The DOW file room has no record of that KPDES permit number. DNR permit 848-5434 has the correct KPDES permit number associated with it. DNR permit 848-9005 is not listed with a KPDES permit number on the Cross Reference List.

If you have any questions, contact me at the address or phone number below.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Hinkle', written in a cursive style.

David Hinkle
Project Manager

cc: File 039-10645L/KPDES/response letter 1.doc